

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife
(Amendment)

301 KAR 2:228. Sandhill crane hunting requirements.

RELATES TO: KRS 150.010, 150.305, 150.340, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.170(3)(4), 150.330, 150.603(2), 50 C.F.R. 20, 21

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.170(3)(4) authorizes license exemptions for people under twelve (12) and resident owners of farmlands, including their spouses and dependent children who hunt on those farmlands. KRS 150.330 authorizes take and possession of migratory birds when in compliance with the provisions of the Federal Migratory Bird Treaty Act and authorizes hunting of migratory birds with the appropriate permits. KRS 150.603(2) requires a person sixteen (16) years or older to possess a hunting license and a Kentucky migratory game bird and~~[permit or]~~ waterfowl permit in order to hunt migratory birds. This administrative regulation establishes the requirements for taking sandhill cranes within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

Section 1. Definitions. (1) "Crane" means a sandhill crane.

(2) "Wildlife Management Area" or "WMA" means a tract of land that:

(a) Is controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) Has "Wildlife Management Area" or "WMA" as part of its official name.

Section 2. Applications and Permits. (1) To apply for a crane hunting permit a person shall:

(a) Complete the online application process on the department's Web site at fw.ky.gov~~[http://fw.ky.gov]~~ between September 1 and September 30~~[November 15 and November 30]~~;

(b) Possess a valid hunting license by September 30, unless the applicant is license exempt pursuant to KRS 150.170~~[Unless exempt pursuant to KRS 150.170, purchase a hunting license by November 30]~~;

(c) Pay a three (3) dollar application fee; and

(d) Not apply more than once.

(2) The department shall:

(a) ~~Rank~~~~[Issue a maximum of 400 crane hunting permits;~~

~~(b) Select]~~ each applicant~~[permit recipient]~~ with a random electronic draw from all qualified applicants;

(b) Issue a crane hunting permit and one (1) crane tag to all ranked applicants up to the maximum number of crane tags allowed by the United States Fish and Wildlife Service for that season, as established in 50 C.F.R. 20, except that if the number of applicants:

1. Exceeds the maximum number of tags, then those applicants ranking higher than the maximum will not receive a permit; and

2. Is less than the maximum number of tags available, then the additional tags will be assigned to applicants in the order of ranking until all tags are assigned;

(c) Issue each permit via the department's Web site at fw.ky.gov~~[http://fw.ky.gov]~~;

(d) Issue the appropriate number of~~[two (2)]~~ metal leg tags to each permit recipient prior to

the crane hunting season; and[-]

(e) Disqualify an applicant who does not possess a hunting license prior to September~~[November]~~ 30, unless the applicant is license exempt pursuant to~~[exempted by]~~ KRS 150.170.[-; and]

(3) A person who does not have access to the internet may call the department's toll-free number at 1-800-858-1549 for assistance in applying.

(4) A crane hunting permit shall not be transferable.

(5) A person selected to receive a permit shall pass a bird identification test provided by the department prior to receiving a permit.[-;]

(6) A permit recipient shall complete and submit a post-season crane hunting survey on the department's website no later than fourteen (14) days after the close of the season~~[January 25]~~.

(7) A person who fails to complete the post-season survey by the date specified in subsection 6 of this section shall be ineligible to be drawn the following year.

Section 3. Season, Bag Limits, and Hunting Requirements. (1) Unless license exempt pursuant to~~[exempted by]~~ KRS 150.170, a person shall not hunt a crane without a:

(a)~~[A]~~ Valid Kentucky hunting license;

(b)~~[A]~~ Valid Kentucky crane hunting permit; and

(c)~~[A]~~ Kentucky migratory game ~~bird and waterfowl~~ permit[-; or

~~(d) A Kentucky waterfowl permit].~~

(2) A permit recipient shall possess a printed copy of a valid crane hunting permit:

(a) While crane hunting; and

(b) When in possession of a harvested crane.

(3) The season shall be for fifty-six (56) consecutive days ending on the last Sunday in January of the following year[-:

~~(a) Begin on the Saturday closest to December 15 for thirty (30) consecutive days; or~~

~~(b) End at sunset on the day when a harvest of 400 cranes is projected to be attained;~~

~~(4) The department shall notify hunters on the day that the crane season has closed by:~~

~~(a) Providing a pre-recorded message on the department's toll-free number at 1-800-858-1549; and~~

~~(b) Posting the closure on the department's website.~~

~~(5) A permit recipient shall be responsible for checking if the crane season is closed on a daily basis prior to hunting cranes].~~

~~(4) [(6)]~~ The~~[season]~~ bag limit shall be:

~~(a)~~ Two (2) cranes daily for permit holders with two (2) or more crane tags; or

~~(b)~~ One (1) crane for permit holders with one (1) tag~~[per person]~~.

~~(5) [(7)]~~ A person shall only hunt cranes from sunrise to sunset.

~~(6) [(8)]~~ A person who has harvested a crane shall attach a department-issued metal tag to the leg of the crane prior to moving the carcass.

~~(7)~~ A person shall check a harvested crane on the day the crane is harvested by:

~~(a) [Attaching one of the department-issued metal tags to the leg of the harvested crane prior to moving the carcass;~~

~~(b)]~~ Calling 800-245-4263 and providing the information requested by the automated check-in system; or

~~(b)~~ Completing the check-in process on the department's Web site at fw.ky.gov [1-877-245-4263 on the day the crane is harvested]; and

~~(c) [Providing the information requested by the automated check-in system; and~~

~~(d)]~~ Recording and retaining the check-in confirmation number for the rest of the current

season.

(8)~~[(9)]~~ A hunter who has harvested a crane shall possess the check-in confirmation number when in the field during the current season.

(9)~~[(10)]~~ A person shall not knowingly falsify the harvest of a crane on the automated check-in system.

(10)~~[(11)]~~ A person hunting cranes shall not use or possess a shotgun shell containing:

(a) Lead shot; or

(b) Shot not approved by the U.S. Fish and Wildlife Service for waterfowl hunting.

(11)~~[(12)]~~ A person shall not use the following to take cranes:

(a) A shotgun larger than ten (10) gauge;

(b) A shotgun shell larger than three and one-half (3 1/2) inches; or

(c) A shotgun shell with shot larger than size "T".

(14)~~[(13)]~~ A person hunting a crane on a Wildlife Management Area shall comply with the applicable WMA waterfowl hunting requirements, pursuant to 301 KAR 2:222, except that on Barren River WMA crane hunting shall be prohibited within 100 yards of the normal summer pool level of 552 feet in the~~following~~ embayments established in paragraphs (a) through (c) of this subsection:

(a) Beaver Creek;

(b) Peters Creek; and

(c) Skaggs Creek.

(13) On Green River Lake, crane hunting shall be prohibited within 100 yards of the normal summer pool level of 675 feet, east of the Hwy 551 bridge in the embayments established in paragraphs (a) and (b) of this subsection:

(a) Green River to the Snake Creek Boat Ramp; and

(b) Casey Creek to the Hwy 76 bridge.

FRANK JEMLEY, Acting Commissioner

DON PARKINSON, Secretary

APPROVED BY AGENCY: April 11, 2018

FILED WITH LRC: April 12, 2018 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 24, 2018 at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through May 31, 2018. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Mark Cramer, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark Cramer

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes sandhill crane seasons, bag limits and requirements on public lands within federal migratory bird hunting frameworks established in 50 C.F.R. Parts 20 and 21 according to the U.S. Fish and Wildlife Service (USFWS).

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to establish the 2018-2019 sandhill crane hunting requirements on private and public lands in accordance with the USFWS and Department management objectives.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods for the taking of wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes procedures for the taking of migratory game birds within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By establishing sandhill crane hunting seasons and area specific requirements, this administrative regulation maintains and manages migratory game bird conservation efforts consistent with national and international management goals.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will change the timing of the season and season length to coincide with duck seasons. It will change the number of permits available from a fixed 400 permits to the maximum allowed by the USFWS for that season. Tags with each permit will go from a fixed two (2) per permit to a system where one (1) tag is allocated to each permit holder and any remaining tags are allocated to permit holders in order of drawing. The application period for sandhill crane permits will be moved to September with the drawing held in early October. The eastern portion of Green River Lake will now have a no crane-hunting zone created. This amendment also removes a season closure if harvest were to reach 400 cranes.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide additional hunting opportunity for Kentucky's sandhill crane hunters, to move the application period to September to conform to other quota hunt application periods, and to protect a roosting area on Green River Lake. At the completion of Kentucky's Experimental Season Period, the USFWS granted Kentucky additional harvest opportunity. This amendment allows for additional hunting days (56 vs. 30) while simplifying regulations similar to duck seasons. For the 2017-2018 season, 30% of applicants were turned away for a lack of permits. The new application period also provides additional time for the delivery of permits and tags. The closure of crane hunting on Green River Lake protects a roosting area that will result in additional hunting and wildlife viewing opportunity.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: For the 2017-2018 season, there were a total of 565 applicants for the crane quota hunt.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Applicants will now be required to apply during the month of September, and hunters will be prohibited to hunt in a protected area of Green River Lake.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs in order to comply with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): More hunters will be able to participate in the annual crane hunt, and it is possible for hunters to harvest an additional crane depending on the number of applicants and their draw ranking. The prohibited hunting area in Green River Lake will protect the crane population in a key roosting area, which is important to the long-term sustainability of the population.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation change will result in no initial change in administrative cost to the Department

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not applied since the same requirements and limits apply to all crane hunters.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department's Wildlife Division and Law Enforcement Division.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), 150.170(3),(4), 150.330, 150.603(2), and 50 C.F.R. Parts 20 and 21.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment will not generate revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment will not generate revenue in subsequent years.

(c) How much will it cost to administer this program for the first year? No new costs will be incurred in the administration of this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No new costs will be incurred in the administration of this program in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: